

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	October 11, 2024
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-24/A-00227
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Silvia Marcoux
<b>Property Address:</b>	10A Ashburn Drive
<b>Ward:</b>	9 – Knoxdale-Merivale
<b>Legal Description:</b>	Part of Lot 224, Registered Plan 289002
<b>Zoning:</b>	R2M
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	October 1, 2024, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to subdivide their property into two separate parcels of land for the construction of a new detached dwelling. The existing dwelling is to remain.
- [2] On May 14, 2024, the Committee adjourned the scheduled hearing of the associated consent application to allow the Applicant time to apply for a minor variance. The Applicant is now applying for a minor variance and would like to proceed with both applications.

**REQUESTED VARIANCE**

- [3] The Applicant require the Committee’s authorization for a minor variance from the Zoning By-law:

**10A Ashburn Drive, existing dwelling, Part 2 on draft 4R-plan:**

- a) To permit an increased driveway width of 6.5 metres, whereas the By-law permits a maximum driveway width of 3 metres.

**10B Ashburn Drive, proposed dwelling, Part 1 on draft 4R-plan:**

- b) To permit an increased driveway width of 5.5 metres whereas the By-Law permits a maximum driveway width of 3 metres.

## PUBLIC HEARING

### Oral Submissions Summary

- [4] André Marcoux and Jessica D'Aoust, both acting as Agents for the Applicant, provided an overview of the application.
- [5] After discussion with Ms. D'Aoust, City Planners Elizabeth King and Erin O'Connell, the Committee confirmed that, due to the reduction in the lot dimensions of the retained parcel where the existing dwelling is located, a similar minor variance for the existing driveway width was also required. However, the Committee found that no additional public notification of the amended application was required under the circumstances.
- [6] The Committee confirmed that the variance requested in the application should apply to 10B Ashburn Drive (the new dwelling) The Committee agreed to amend the application and add a new variance to 10A Ashburn Drive, the existing driveway, to read as follows:
- To permit an increased driveway width of 6.5 metres whereas the By-Law permits a maximum driveway width of 3 metres.
- [7] Ms. King reiterated the department's concerns over the request for a double driveway as they are not observed in the R2M zoning designation. Further, Ms. King noted that the proposal is not in keeping with the intent of the zoning designation, as it does not contribute to the streetscape by providing space for soft landscaping or stormwater management.
- [8] Ms. King advised that both a single and double driveway could accommodate accessibility concerns.
- [9] Following the public hearing, the Committee reserved its decision.

### **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED**

#### **Application Must Satisfy Statutory Four-Part Test**

- [10] The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

## Evidence

[11] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including cover letter, revised plans, letters of support from neighbours, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 25, 2024, with some concerns; received September 26, 2024, with some concerns; received May 13, 2024, requesting an adjournment; received May 8, 2024, requesting an adjournment.
- Rideau Valley Conservation Authority email received September 26, 2024, with no objections; received May 10, 2024, with no objections.
- Hydro Ottawa email received September 27, 2024, with comments.
- Hydro One email received September 25, 2024, with no comments; received May 10, 2024, with no comments.
- Ontario Ministry of Transportation email received April 30, 2024, with no comments.
- Ottawa International Airport Authority email received April 30, 2024, with comments.

## Effect of Submissions on Decision

[12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

[13] Based on the evidence, the majority of the Committee (Member Wright dissenting on variance b) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[14] The majority of the Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that "[t]he intent of the maximum driveway width provisions on lots that are less than 15 metres in width is to contribute to a positive streetscape by providing space for soft landscaping and, to limit increases in impervious surface that otherwise may lead to increases in stormwater runoff from the property."

- [15] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] Considering the circumstances, the majority of the Committee finds that because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [17] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [18] In addition, the majority of the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [19] Moreover, the majority of the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped September 18, 2024, as it relates to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

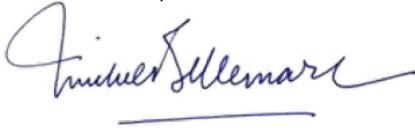
*"Jay Baltz"*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Julianne Wright"*  
*(with noted dissent)*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **October 11, 2024**.



Michel Bellemare  
Secretary-Treasurer

### **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **October 31, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

*Ce document est également offert en français.*

**Committee of Adjustment**  
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